

STATE OF SABAH

EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ENACTMENT 1979 (Sabah No. 14 of 1979)

LIST OF AMENDMENTS

| <i>Enactment No.</i> | <i>Sections amended</i> | <i>Effective date of amendment</i> |
|----------------------|-------------------------|------------------------------------|
| G.N.S 34/1982 | Schedule | 24-6-1982 |
| 2/1987 | 6 | 16-4-1987 |

An Enactment to prevent the improper use of certain emblems and names.

[1st February 1980]

ENACTED by the Legislature of the State of Sabah as follows:

Short title and commencement.

1. This Enactment may be cited as the Emblems and Names (Prevention of Improper Use) Enactment 1979 and shall come into force on such date as the Yang di-Pertua Negeri may by notification in the *Gazette** appoint.

Definitions.

2. In this Enactment, unless the context otherwise requires —

“competent authority” means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or

* In force 1st February 1980 – see G.N.S 4/80.

design, or to grant a patent;

“specified emblem” means any emblem, crest, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;

“specified name” means any name or title specified in the Schedule and includes any abbreviation of any such name.

Prohibition of improper use of certain emblems and names.

3. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Yang di-Pertua Negeri—

- (a) use any specified name or specified emblem, or any colourable imitation thereof, for the purpose of any trade, business, calling or profession; or
- (b) use or continue to use any specified name or specified emblem, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or
- (c) make for the purposes of sale or sell or expose for sale or have in his possession for sale any specified emblem; or
- (d) use any specified name or specified emblem, or any colourable imitation thereof as a letterhead or in any invitation card or any card intended to convey greetings to another on any festive occasion religious or secular; or
- (e) display on or affix to any vehicle any specified name or specified emblem or any material whatsoever containing any specified name or specified emblem or any colourable imitation thereof:

Provided that any permission to display or to affix such specified emblems granted by the Chief Minister prior to the commencement of this Enactment shall be deemed to have been made under the provisions of this section:

Provided further that the provisions of this paragraph shall not apply to any vehicle provided by the State Government for the use of the Yang di-Pertua Negeri, the Chief Minister, State Minister or the Speaker of the Legislative Assembly.

(2) Nothing in subsection (1) shall be construed as prohibiting the use of any specified name or specified emblem for the official purposes of the Government of the State of Sabah.

(3) The Yang di-Pertua Negeri may subject any permission given under subsection (1) to such conditions, if any, as he may deem fit.

Prohibition of registration of certain companies, etc..

4. (1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall —

- (a) register any company, firm or other body of persons under any name; or
- (b) register a trade mark or design which bears any emblem or name; or
- (c) grant a patent in respect of an invention which bears a title containing any emblem or name,

if the use of such name or emblem would be in contravention of section 3.

(2) If any dispute arises whether any emblem or name is a specified emblem or specified name or a colourable imitation thereof, the competent authority shall refer the question to the Yang di-Pertua Negeri and the decision of the Yang di-Pertua Negeri thereon shall be final.

Penalty.

5. Any person who contravenes the provision of section 3 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

Sanction for prosecution.

6. No prosecution for any offence punishable under this Enactment shall be instituted except with the previous sanction in writing or the State Attorney-General.

Power to amend schedule.

7. The Yang di-Pertua Negeri may, by notification in the *Gazette*, add to or alter the Schedule.

SCHEDULE
(Sections 2 and 7)

PART I
EMBLEMS

1. The Standards, Coat-of-Arms and Official Seal of His Excellency the Yang di-Pertua Negeri of the State of Sabah.
2. The Public Seal of the State of Sabah.
3. The State Coat-of-Arms, Emblem or Crest of the Government of the State of Sabah.
4. The Orders, Insignias, Medals, Badges and Decorations instituted by His Excellency the Yang di-Pertua Negeri of the State of Sabah.
5. The Old State Crest of the Government of the State of Sabah.

PART II

FLAGS

1. The State Flag of the State of Sabah.
2. The Old State Flag of the State of Sabah.

PART III

NAMES

1. The name and/or designation of His Excellency the Yang di-Pertua Negeri of the State of Sabah.